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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,129	11/12/1998	JOSEPH M. CANNON	CANNON36-37-	6291

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/190,129

Applicant(s)

CANNON ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

1. In view of the response to final action filed on 3/22/03, PROSECUTION IS HEREBY REOPENED.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama (US 5,894,505) in view of Shepherd (US 2002/0051528).

Regarding **claim 1**, Koyama discloses a telephone answering machine (column 1, lines 6-7), (which reads on claimed "a voice messaging system"), comprising:

a telephone line interface (2 on FIG. 1);

a voice recorder/playback module (8 on FIG. 1);

a controller (13 on FIG. 1) adapted to control functions of the voice messaging system (column 9, lines 36-44) [The main control unit controls operation of the messaging unit system];

a ring signal bypass module (4 on FIG. 1) adapted to detect a presence of non-ring signal (column 10, line 19 "a polarity reverse signal") indicating a presence of an incoming call (column 10, lines 24-25 "calling party information" and column 10, lines 16-44) [The call detection circuit detects the reversal line from the communication line identifying an incoming call].

Koyama fails to disclose answering the incoming call before reception of an initial ring signal.

However, Shepherd teaches the system to answer the incoming call before reception of an initial ring signal (page 3, paragraph 41, line 6 "line reversal") relating to the incoming call by the system (page 3, paragraph 41) [The no-ring detector respond to a line reversal to answer the call].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Koyama by adding answering the incoming call before reception of an initial ring signal by Shepherd.

The modification will allow the system of Koyama to answer the incoming call before reception of an initial ring signal such that Koyama would immediately answers incoming call without any delay.

Regarding **claim 2**, Koyama discloses a telephone line interface is adapted to detect a line reversal on the telephone (column 10, lines 18-20) .

Regarding **claim 3**, Koyama discloses a voice messaging system as telephone-answering device (FIG. 1).

5. **Claims 4-6, 8-10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Koyama.

Regarding **claim 4**, Shepherd discloses a telecommunications networks (page 1, paragraph 001), (which reads on claimed "a method for allowing bypass of ring signal in a system"), comprising:

receiving a non-ring signal (page 3, paragraph 41, line 6 "line reversal") indicating a presence of an incoming call (page 3, paragraph 41, line 7 "call") to the system (page 3, paragraph 41) [The customer premise receive the line reversal signal]; and

answering the incoming call (page 3, paragraph 41, line 7 "answer the call") by the system before a reception of any ring signal (page 3, paragraph 41, line 5 "the no-

ring detector”) by the system (page 3, paragraph 41) [The no-ring detector respond to a line reversal to answer the call].

Shepherd fails to disclose that Shepherd’s customer premises equipment is a voice messaging system.

However, Koyama teaches an answering machine responding to a line reversal signal (column 10, lines 6-11).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd by adding the answering machine of Koyama.

The modification will allow the system to answer incoming calls such that the caller would leave a voicemail.

Regarding **claims 5 and 9**, Shepherd and Koyama as applied to **claims 4 and 8** above differs from **claims 5 and 9** in that it fails to disclose playing an outgoing greeting message and allowing the caller to record a voice message.

However, Koyama teaches playing an outgoing greeting message to a caller associated with the incoming call without requiring reception of any ring signal relating to the incoming call (column 10, lines 54-59); and

allowing the caller to record a voice message (column 10, lines 62-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd by adding playing an outgoing greeting message and allowing the caller to record a voice message of Koyama.

The modification will allow the system to have playing an outgoing greeting message and allowing the caller to record a voice message such that the caller would leave a voicemail.

Regarding **claims 6 and 10**, Shepherd and Koyama as applied to **claims 4 and 8** above differs from **claims 6 and 10** in that it fails to disclose allowing the caller to record a voice message.

However, Koyama teaches allowing a caller associated with the incoming call to record a voice message without requiring reception of any ring signal relating to the incoming call (column 10, lines 62-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd by adding allowing the caller to record a voice message of Koyama.

The modification will allow the system to have allowing the caller to record a voice message such that the caller would leave a voicemail.

Regarding **claim 8**, Shepherd discloses a telecommunications networks (page 1, paragraph 001), (which reads on claimed "an apparatus for allowing bypass of ring signal in a system"), comprising:

means for receiving a non-ring signal (page 3, paragraph 41, line 6 "line reversal") indicating a presence of an incoming call (page 3, paragraph 41, line 7 "call")

to the system (page 3, paragraph 41) [The customer premise receive the line reversal signal]; and

means for answering the incoming call (page 3, paragraph 41, line 7 "answer the call") by the system before a reception of any ring signal (page 3, paragraph 41, line 5 "the no-ring detector") by the system (page 3, paragraph 41) [The no-ring detector respond to a line reversal to answer the call].

Shepherd fails to disclose that Shepherd's customer premises equipment is a voice messaging system.

However, Koyama teaches an answering machine responding to a line reversal signal (column 10, lines 6-11).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd by adding the answering machine of Koyama.

The modification will allow the system to answer incoming calls such that the caller would leave a voicemail.

Regarding **claim 12**, Shepherd discloses a telecommunications networks (page 1, paragraph 001), (which reads on claimed "a method of allowing a calling party to bypass a ring signal in a system of a called party"), the method comprising:

providing a ring signal bypass module (18 on FIG. 3) in the system (page 3, paragraph 41) [The no-ring detector is arranged to respond to a line reversal signal];
and

bypassing all ring signals to the system by answering a call (page 3, paragraph 41, line 7 "answer the call") from the calling party by the system before a reception of any ring signal (page 3, paragraph 41, line 5 "the no-ring detector") by the system (page 3, paragraph 41) [The no-ring detector respond to a line reversal to answer the call].

Shepherd fails to disclose that Shepherd's customer premises equipment is a voice messaging system, a voice memory and activating the ring signal bypass module based on a request.

However, Koyama teaches an answering machine responding to a line reversal signal (column 10, lines 6-11);

the voice messaging system including voice message memory (8 on FIG. 1) for recording a voice message (column 9, line 12 "a message"); and

activating the ring signal bypass module based on a request (column 10, line 3 "when a calling party calls") from the calling party (column 10, lines 3-8) [The calling party calls the telephone answering machine and the reverse line transmits the call related information].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd by adding a voice messaging system, a voice memory and activating the ring signal bypass module based on a request of Koyama.

The modification will allow the system to answer incoming calls, a voice memory and activating the ring signal bypass module based on a request such that the caller would leave a voicemail.

6. **Claims 7 and 11, 13-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepherd in view of Koyama and in further view of Borland et al. (US 6,128,382).

Regarding **claims 7 and 11**, Shepherd and Koyama as applied to **claims 4 and 8** above differs from **claims 7 and 11** in that it fails to disclose a request for a transmission of the non-ring signal from a calling party's telephone.

However, Borland teaches inputting a request for a transmission of the non-ring signal from a calling party's telephone (column 7, lines 24-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd and Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 13**, Shepherd and Koyama as applied to **claim 12** above differ from **claim 13** in that it fails to disclose allowing the calling party to record a voice message in the voice message memory before reception of any ring signal.

However, Borland teaches allowing the calling party to record a voice message in the voice message memory before reception of any ring signal (column 6, lines 29-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd and Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 14**, Shepherd and Koyama as applied to **claim 12** above differ from **claim 14** in that it fails to disclose entering a request for performance of the step of bypassing all ring signals by the calling party.

However, Borland teaches entering a request for performance of the step of bypassing all ring signals by the calling party (column 6, lines 4-8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd and Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Regarding **claim 15**, Shepherd and Koyama as applied to **claim 12** above differ from **claim 13** in that it fails to disclose entering a request for performance of the step of bypassing all ring signals by the calling party.

However, Borland teaches the request is entered by the calling party before a telephone number of the called party is dialed by the calling party (column 4, lines 55-59) [The *28 could be used by the caller before dialed a number].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Shepherd and Koyama by adding activating the ring signal bypass module based on a request from the calling party by Borland.

The modification will allow the system to activate the ring signal bypass module based on a request from the calling party such that the caller would perform various other functions on the telephone answering machine.

Response to Arguments

7. Applicant's arguments with respect to **claims 1-15** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



g.g.
April 1, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
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